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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,282	12/15/2003	Hiroshi Nakahata	AA556C	4285

27752 7590 02/16/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,282

Applicant(s)

NAKAHATA ET AL.

Examiner

Melanie J. Hand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/19/03, 1/11/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority as a continuation of copending Application No. PCT/US02/20427, filed on June 28, 2002, which claims benefit of provisional Application No. 60/302,431, filed July 2, 2001.

Information Disclosure Statements

The information disclosure statements (IDS) submitted on December 29, 2003 and January 11, 2005 were filed after the mailing date of the Application on December 15, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Buell et al (U.S. Patent No. 5,221,274).

With respect to **Claims 1,7**: Buell teaches diaper 20 having longitudinal edges 62, end edges 64, first waist region 56, second waist region 58, a crotch region between the two waist regions,

side panels 70 and 72, liquid-pervious topsheet 24, absorbent core 28 positioned between topsheet 24 and liquid-impervious backsheet 26. (Col. 6, lines 20-23, 40-45) Side panels 70 are located in the front waist region 56 and side panels 72 are located in the rear waist region 58. (Col. 6, line 67 - Col. 7, line 2) Side panels 70 and 72 form a unitary waist opening with said waist regions and therefore are comprised of backsheet material. Elasticized waistband 35 is operatively associated with elastomeric members 76 and has pleats or rugosities 80. Elastomeric members 76 in elastic waistband 35 provide the extensibility controlling means. (Col. 17, lines 52-58, Col. 19, lines 7-11)

With respect to **Claim 2**: Buell teaches an elongation to break of 400-700% of unstretched length for the elastomeric material in the side panels. (Col. 10, lines 30-32)

1With respect to **Claim 3,4**: Buell teaches that said the elastomeric foam used to fabricate elastomeric members 76 has an extension force of about 200 grams/inch (200g/25mm) at 50% extension. (Col. 18, lines 56-61, Col. 42, lines 52-60)

With respect to **Claim 5**: Elastomeric members 76 are components of elastic waistband 35 which is disposed at the end edges 64 in front and back waist regions 54 and 56.

With respect to **Claim 6**: Elastomeric members 76 are comprised of elastomeric polyurethane foam. (Col. 18, lines 56-61)

With respect to **Claim 8**: Buell teaches that diaper 20 is comprised of a holder and a liner, wherein said liner is comprised of an absorbent composite further comprised of a topsheet, core

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and backsheet, therefore a liquid-impermeable backsheet 26 is disposed between an outer holder or chassis layer and the absorbent core 28: (Col. 8, lines 39-45)

With respect to **Claims 9,10**: Buell teaches that backsheet 26 is wider and longer than core 28 and is joined in the periphery 60 to topsheet 24, therefore the absorbent core does not extend into either waist region. (Col. 10, lines 51-60, Col. 11, lines 4-9)

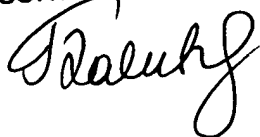
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER



Melanie J Hand
Examiner
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MJH